

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ENABLE MISSISSIPPI RIVER  
TRANSMISSION, LLC,

Plaintiff,

v.

LESERKA FAMILY FARM REVOCABLE  
TRUST et al.,

Defendants.

Case No. 3:23-cv-03317-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on several motions to dismiss. (Docs. 83, 86, 87, 88).

The Plaintiff filed these motions in January, 2024. The Court **GRANTS** the motions and **DISMISSES** this case **with prejudice**.

On October 9, 2023, Enable Mississippi River Transmission (hereinafter “EMRT”) filed this lawsuit pursuant to 15 U.S.C. § 717f(h) for the “condemnation of certain permanent and temporary easements, additional temporary workspace, and access roads on real properties required for use in connection with the construction, operation and maintenance” of a natural gas pipeline. (Doc. 1). This pipeline will connect an existing EMRT natural gas facility in Madison County, Illinois, with a proposed natural gas facility in Roxana, Illinois.

The complaint (Doc. 10) enumerated nine total counts against Leserka Family Revocable Trust (“Leserka”) (Counts 1, 3), Metro East Sanitary District (“Metro East”) (Counts 2, 4, 8), Norfolk Southern Railway Co. (“Norfolk”) (Count 5), and Gateway Commerce Center Development Company (“Gateway”) (Counts 6, 7, 9). On December 11, 2023, EMRT filed a motion to confirm the condemnation as to Leserka (Doc. 76).

While the confirmation of condemnation was under review, on January 4, 2024, EMRT filed a motion to dismiss Counts 6, 7, and 9 as to Gateway (Doc. 83). This motion to dismiss was later followed by motions to dismiss the rest of the counts as to the remaining defendants (Doc. 86–88) on January 20, 2024. The day after filing these motions, EMRT filed a motion withdraw their motion to confirm the condemnation as to Leserka (Doc. 90). Given the motions are signed by each party and inform the Court that the matter has been settled, the Court sees no reason to deny the motions.

### **CONCLUSION**

The Court **GRANTS** the motion to withdraw (Doc. 90). Accordingly, the motion to confirm condemnation (Doc. 76) is hereby **WITHDRAWN**. The Court **GRANTS** the motions to dismiss (Docs. 83, 86–88) and **DISMISSES** this case with prejudice.

**IT IS SO ORDERED.**

**DATED: February 8, 2024**

*s/ J. Phil Gilbert*

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**J. PHIL GILBERT  
DISTRICT JUDGE**